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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>ABBY TISCARENO and GUILLERMO TISCARENO,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>LORI FRASIER, in her individual capacity; MARION WALKER, in his individual capacity; WILLIAM BEERMAN, in his individual capacity; RICHARD ANDERSON, in his individual and official capacity; INTERMOUNTAIN HEALTH CARE, in its individual capacity; JOHN and JANE DOES 1-20, in their individual capacities,</p> <p style="text-align: center;">Defendants.</p>	<p>PLAINTIFFS' MOTION TO STRIKE DEFENDANT FRASIER'S INSUFFICIENT DEFENSES AND FOR SANCTIONS</p> <p>Case No. 2:07-cv-336</p> <p>Judge Clark Waddoups</p> <p>Magistrate Judge David Nuffer</p>
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Plaintiffs, by and through their undersigned counsel, and pursuant to Rule 12(f) of the Federal Rules of Civil Procedure and DUCiv.P.7-1(a), hereby respectfully move the Court for an Order striking as insufficient, the Fifth, Sixth, Seventh, Eighth, Ninth, Tenth,

Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty First and Twenty Second Defenses, asserted in Defendant Lori D. Frasier's Answer to Plaintiffs' First Amended Complaint (Doc. 86). Plaintiffs also move the Court to impose appropriate sanctions against Defendant Frasier's counsel, David G. Williams and Andrew M. Morse, for continuing to maintain these factually and/or legally insufficient defenses, despite notice from Plaintiffs' counsel of their insufficiency, and an Order of the Court, per United States Magistrate David Nuffer, requiring counsel for all Defendants to review the sufficiency of their defenses and to notify Plaintiffs' counsel by September 2, 2011, of the insufficient defenses they would agree to withdraw.

The conduct of Defendant Frasier's counsel, Mr. Williams and Mr. Morse, in maintaining these insufficient defenses is strategic, in bad faith, and interposed solely to delay discovery and multiply the proceedings and expense to Plaintiffs in this case. Thus, Plaintiffs also move the Court for the imposition of reasonable sanctions pursuant to 28 U.S.C. § 1927 against Defendant Frasier's counsel, including the award of the attorney fees and costs reasonably and necessarily incurred by Plaintiffs in the prosecution of this Motion, to punish and deter Defendant Frasier's counsel from similar conduct in the future.

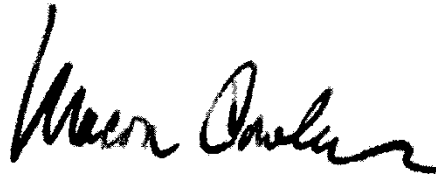
The facts and legal authorities supporting this Motion are more fully set forth in the accompanying Memorandum In Support of Plaintiffs' Motion To Strike Defendant Frasier's Insufficient Defenses And For Sanctions and the Declaration of Kathryn Collard submitted therewith.

DATED this 24th day of October, 2011.

COUNSEL FOR PLAINTIFFS:

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A handwritten signature in black ink, appearing to read "Macon Cowles", written over a horizontal line.

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